

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

THOMAS H. KRAKAUER,
on behalf of a class of persons,

Plaintiff,

v.

Civil Action No. 1:14-cv-00333-CCE-JEP

DISH NETWORK, L.L.C.,

Defendant.

PLAINTIFF'S TRIAL WITNESS AND EXHIBIT DISCLOSURES

A. Witnesses

Plaintiff expects to call the following witnesses at trial (in expected order):

1. Thomas Krakauer
2. Amir Ahmed
3. Reji Musso
4. Bahar Tehranchi (deposition)
5. David Hill (deposition)
6. Tanya Maslennikov (deposition)
7. Anya Verkhovskaya
8. Michael Mills
9. Bruce Werner

B. Exhibits

Plaintiff expects to use the following exhibits at trial, but reserves the right to use any properly disclosed exhibit should the need arise:

EXH. NO.	BATES NO.	DESCRIPTION OF EXHIBIT
PX1	Dish-Paper-008008- Dish-Paper-008008	2/20/07 Dish to SSN about Call Monitoring activities
PX6	Dish9-0001834- Dish9-0001834	8/16/11 August 2011 DNC Complaint to Dish
PX7	Krakauer000067- Krakauer000067	Consumer Sentinel
PX8	DISH11-021481- DISH11-021481	5/4/10 E-mail to Shaffer from Vendor Inquiries
PX12	Dish-Paper-008002- Dish-Paper-008003	9/21/06 Dufault to Vallejos re: Your Free Dish
PX13		2007-2014 Performance
PX14		10/20/06 Third Party Claim of Dish in Spafford v. Dish, et al.
PX15	Dish-Paper-007978- Dish-Paper-008109	5/24/07 SSN Retailer File Complete Copy
PX16	Krakauer000001- Krakauer000002	Summary of Five 9 Calls to Dr. Krakauer
PX18		Five 9 Call Records
PX22	SSN000221- SSN000223	2/01/09 Outbound Sales Script
PX23	Dish0012552- Dish0012553	Origer to Tehranchi re: Jeanette Payne
PX24	Krakauer001613	OE Risk Management PP
PX0025	DISH5-0000032039- DISH5-0000032043	12/07/06 Retailer Referral Amendment to Echostar Retailer Agreement between Echostar Satellite LLC and Satellite Systems Network

EXH. NO.	BATES NO.	DESCRIPTION OF EXHIBIT
PX0026	DISH5-0000032050- DISH5-0000032086	12/31/06 Echostar Retailer Agreement between Echostar LLC and Satellite Systems Network
PX0027	DISH5-0000032048- DISH5-0000032049	12/31/06 DHPP Amendment to Echostar Retailer Agreement between Echostar Satellite LLC and Satellite Systems Network
PX0028	DISH5-0000031815- DISH5-0000031817	12/31/06 OE Retailer Amendment to Echostar Retailer Agreement between Echostar Satellite LLC and Satellite Systems Network
PX0029	DISH11-016912- DISH11-016950	12/31/10 Dish Network Retailer Agreement between Dish Network LLC and Satellite Systems Network
PX52	DISH11-023842- DISH11-023842	5/12/10 Letter to Tehranchi from Musso (Werner Depo Exhibit 44)
PX53	Dish11-021415- Dish11-021416	5/4/10 E-mail to Chaykoski from Shaffer (Werner Depo Exhibit 42)
PX0055	DISH5-0000071454- DISH5-0000071538	7/01/09 Assurance of Voluntary Compliance
PX070	DISH2-0000039688- DISH2-0000039691	10/12/09 Emails between Caldwell, Musso, et al.
PX0089	DISH5-0000090747- DISH5-0000090777	6/6/11 Indirect Sales Powerpoint
PX99	DISH5-0000010542- DISH5-0000010543	3/3/11 Form Notification of Consumer Complaint Letter Sent by Echostar to Independent Retailer
PX0120	DISH5-0000111197- DISH5-0000111203	9/30/05 E-mails between Oberbillig, et al.
PX0122	DISH5-0000086612- DISH5-0000086615	8/17/11 E-mails between Musso, Werner et al.
PX0186		3/21/06 Judgment-North Carolina v. SSN
PX0190	DISH9-0012173- DISH9-0012175	1/30/07 E-mails between Ahmed, Ergen et al.
PX0191	DISH5-0000012396- DISH5-0000012396	11/04/04 Bronson Takes Action in Telemarketing Case
PX0194	DISH9-0005567- DISH9-0005570	9/26/05 E-mails between Novak, Ahmed, et al.

EXH. NO.	BATES NO.	DESCRIPTION OF EXHIBIT
PX0197	FTC359-000332- FTC359-000368	12/21/12 Declaration of Tanya Maslennikov, Donaca v. Dish
PX0198		8/19/13 Declaration of Sophie Tehranchi, Donaca v. Dish
PX0199	DISH9-0001824- DISH9-0001825	8/11/11 E-mails between Berridge, Kitei, et al.
PX0206	FTC003-074547- FTC003-74550	7/28/05 E-mails between Anderson, Myers et al.
PX0241	DISH5-0000111664- DISH5-0000111666	Retailer Order Entry Promotional Program
PX0282	DISH-PAPER-008060- DISH-PAPER-008062	5/19/09 E-mails between Snyder, Dougherty, et al.
PX0331	DISH5-0000070807- DISH5-0000070809	10/28/11 E-mails between Callaghan, Luth, et al.
PX0334	DISH5-0000106283- DISH5-0000106323	PowerPoint re: OE program overview
PX0457	DISH-00007505- DISH-00007507	3/04/09 E-mails between Musso, Slater, et al.
PX0463	Dish-00007727- Dish-00007729	9/16/2008 E-mails between Van Emst, Musso, et al.
PX0503	DISH11-029658- DISH11-029660	1/30/07 E-mails between Oberbiling, Werner, et al.
PX0504	DISH11-029661- DISH11-029664	1/30/07 E-mails between Oberbiling, Werner, et al.
PX0553	DISH5-0000086710- DISH5-0000086710	10/25/11 E-mails between Musso, Mason, et al.
PX0560	DISH5-0000070449- DISH5-0000070450	8/18/09 E-mails between Ahmed, Neylon, et al.
PX0571	DISH5-0000087244- DISH5-0000087244	6/04/08 E-mails between Musso, Werner, et al.
PX0576	DISH5-0000087541- DISH5-0000087541	5/30/08 E-mails between Musso, Taber, et al.

EXH. NO.	BATES NO.	DESCRIPTION OF EXHIBIT
PX0604	DISH5-0000102662- DISH5-0000102662	9/11/07 E-mails between Mills, Musso, et al.
PX0606	DISH5-0000086707- DISH5-0000086707	10/25/11 E-mails between Musso, Mason, et al.
PX0607	DISH5-0000102805- DISH5-0000102806	1/30/07 E-mails between Oberbillig, Werner, et al.
PX0616	DISH5-0000104567- DISH5-0000104569	8/13/11 E-mails between Mills, Neylon, et al.
PX0656	DISH5-0000126144- DISH5-0000126145	1/30/07 E-mails between Oberbillig, Werner, et al.
PX673	DISH5-000102801- DISH5-0000102804	1/30/07 Email from M Oberbillig to B Werner, FW: Telemarketing
PX899	DISH5-000001358- DISH5-0000001360	Email from R Musso Re Satellite Systems Network
PX1048	DISH5-0000022206- DISH5-0000022213	OE Parner QA Action Plans
PX1157	DISH5-0000069280 DISH5-0000069281	3/25/11 E-mails between DeFranco, Ahmed, et al.
PX1160	DISH5-0000102798- DISH5-0000102800	1/30/07 E-mails between Oberbillig, Werner, et al. (Ahmed Ex. 15 (Krakauer v. Dish))
PX1208	FTC003-044564- FTC003-044578	Dish Order Entry Tool
PX1234	DISH5-000031814- DISH5-000031814	7/17/06 Letter from Origer to Tehranchi (Mills Ex. 22 (Krakauer v. Dish))
PX1236	DISH5-0000126306- DISH5-0000126307	4/14/11 E-mail from Musso to King, et al. (Mills Ex. 62 (Krakauer v. Dish))
PX1240	DISH5-00001040602- DISH5-00001040603	8/19/11 E-mail to Neylon from Mills (Mills Ex. 73 (Krakauer v. Dish))
PX1294	DISH5-0000119736- DISH5-0000119736	2010 E-mails between Quader, Rukas, et al. (Oberbillig Ex. 60 (Krakauer v. Dish))
PX1327	DISH5-0000012550- DISH5-0000012550	5/27/09 Letter from Musso to Tehranchi (Tehranchi Ex. 131 (Donaca v. Dish))

EXH. NO.	BATES NO.	DESCRIPTION OF EXHIBIT
		Hill Deposition Exhibit 1 (Affidavit of David Hill)
		Maslennikov Deposition Exhibit 1 (Declaration of Tanya Maslennikov)
		Maslennikov Deposition Exhibit 10 (Satellite Systems Network Call Log Report from 3/2/2011 and
		Taylor Deposition Exhibit 4 (Echostar_Internal_Upto_20101231.txt)
		Taylor Deposition Exhibit 5 (Dish Retainer DNC List 2010 and older.txt)
		Tehranchi Deposition Exhibit 129 (Declaration of Sophie Tehranchi)
		Tehranchi Deposition Exhibit 130 (Addendum B)
		Tehranchi Deposition Exhibit 145 (EchoStar Retailer Agreement)
		Tehranchi Deposition Exhibit 150 (Emails)
PX2000		All Class Telephone Numbers and Calls
PX2001		Telephone numbers that LexisNexis always identifies as unknown (Stip. Regarding Call Categories, ECF No. 267, Exhibit 31D)
PX2002		Telephone numbers that LexisNexis identifies as residential before May 1, 2010 or after August 1, 2011 (Stip. Regarding Call Categories, ECF No. 267, Exhibit 31A)
PX2003		Telephone numbers that LexisNexis identifies as unknown in the May 2010 to August 2011 time period that the calls were made but identifies differently at other times (Stip. Regarding Call Categories, ECF No. 267, Exhibit 31K)
PX2004		Telephone numbers that LexisNexis identifies as both residential and unknown (Stip. Regarding Call Categories, ECF No. 267, Exhibit 31X)

EXH. NO.	BATES NO.	DESCRIPTION OF EXHIBIT
PX2005		Telephone numbers that LexisNexis always identifies as residential, including in the May 2010 to August 2011 time period that the calls were made (Stip. Regarding Call Categories, ECF No. 267, Exhibit 31U)
PX 2006		Telephone numbers that LexisNexis identifies as cellular and possibly cellular (Stip. Regarding Call Categories, ECF No. 267, Exhibit 31L)

Respectfully submitted,

/s/ John W. Barrett

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Dated: January 3, 2017

CERTIFICATE OF SERVICE

This is to certify that the foregoing Plaintiff's Trial Witness and Exhibit Disclosures was filed electronically on January 3, 2017. Notice of this filing will be sent to all parties registered with the Court's electronic filing system by operation of the Court's system. Parties may access this filing through the Court's electronic filing system.

/s/ John W. Barrett
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